

ORDINANCE NO. Late Backup

#93

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4701 NORTH IH-35 SERVICE ROAD NORTHBOUND IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT AND FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE. NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT FOR TRACT TWO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No C14-2007-0251, on file at the Neighborhood Planning and Zoning Department, as follows

Tract One From limited office-neighborhood plan (LO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

Lot 1, Emerald Oaks Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 82, Page 58, of the Plat Records of Travis County, Texas, and

Tract Two From family residence-neighborhood plan (SF-3-NP) combining district to limited office-neighborhood plan (LO-NP) combining district

A 0.275 acre tract of land, more or less, out of the Thomas L. Hawkins Survey No 9, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4701 North IH-35 Service Road Northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B"

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, the mixed use (MU) combining district, and other applicable requirements of the City Code

PART 3. The Property identified as Tract One within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions

The following uses are prohibited uses of the Tract One

| | |
|------------------------------------|----------------------------------|
| Automotive repair services | Automotive rentals |
| Automotive sales | Automotive washing (of any type) |
| Bail bond services | Business support services |
| Commercial off-street parking | Consumer convenience services |
| Exterminating services | Food preparation |
| Food sales | Funeral services |
| General retail sales (convenience) | General retail sales (general) |
| Guidance services | Hotel-motel |
| Indoor entertainment | Indoor sports and recreation |
| Kennels | Laundry service |
| Liquor sales | Monument retail sales |
| Off-site accessory parking | Outdoor entertainment |
| Outdoor sports and recreation | Pawn shop services |
| Pet services | Plant nursery |
| Printing and publishing | Restaurant (general) |
| Restaurant (limited) | Scrap and salvage services |
| Service station | Club or lodge |
| Communication service facilities | Community events |
| Community recreation (private) | Community recreation (public) |
| Congregate living | Hospital services (general) |
| Hospital services (limited) | Local utility services |
| Residential treatment | Safety services |

PART 4. The Property is subject to Ordinance No. 020801-92 that established the Upper Boggy Creek neighborhood plan combining district.

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1 **PART 5.** This ordinance takes effect on _____, 2008
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4 **PASSED AND APPROVED**
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6 §
7 §
8 _____, 2008 § _____
9 Will Wynn
10 Mayor
11

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13 **APPROVED:** _____ **ATTEST:** _____
14 David Allan Smith Shirley A Gentry
15 City Attorney City Clerk